

Union Calendar No. 27

109TH CONGRESS
1ST SESSION

H. R. 740

[Report No. 109–47]

To amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. McKEON, Mr. EHLERS, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, and Mr. NEUGEBAUER) introduced the following bill; which was referred to the Committee on Education and the Workforce

APRIL 18, 2005

Additional sponsors: Mr. FORTUÑO, Mrs. DRAKE, Mr. PITTS, Mr. HALL, Mr. MARCHANT, Mr. SULLIVAN, Mrs. MUSGRAVE, Mr. BOUSTANY, Mr. PRICE of Georgia, Mr. BARRETT of South Carolina, Mr. SOUDER, Ms. FOXX, Mr. KUHLMAN of New York

Deleted sponsor: Mr. PRICE of North Carolina (added March 10, 2005; deleted April 6, 2005)

APRIL 18, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Occupational Safety and Health Act of 1970

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Occupational Safety
 5 and Health Review Commission Efficiency Act of 2005”.

6 **SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW**
 7 **COMMISSION.**

8 (a) INCREASE IN NUMBER OF MEMBERS AND RE-
 9 QUIREMENT FOR MEMBERSHIP.—Section 12 of the Occu-
 10 pational Safety and Health Act of 1970 (29 U.S.C. 661)
 11 is amended—

12 (1) in the second sentence of subsection (a)—

13 (A) by striking “three members” and in-
 14 serting “five members”; and

15 (B) by inserting “legal” before “training”;

16 (2) in the first sentence of subsection (b), by
 17 striking “except that” and all that follows through
 18 the period and inserting the following: “except that
 19 the President may extend the term of a member for
 20 no more than 365 consecutive days to allow a con-
 21 tinuation in service at the pleasure of the President
 22 after the expiration of the term of that member until
 23 a successor nominated by the President has been
 24 confirmed to serve. Any vacancy caused by the
 25 death, resignation, or removal of a member before

1 the expiration of a term for which a member was ap-
 2 pointed shall be filled only for the remainder of such
 3 term.”; and

4 (3) in subsection (f), by striking “two mem-
 5 bers” each place it appears and inserting “three
 6 members”.

7 (b) NEW POSITIONS.—Of the two vacancies for mem-
 8 bership on the Occupational Safety and Health Review
 9 Commission created by subsection (a)(1)(A), one shall be
 10 appointed by the President for a term expiring on April
 11 27, 2008, and the other shall be appointed by the Presi-
 12 dent for a term expiring on April 27, 2010.

13 (c) EFFECTIVE DATE FOR LEGAL TRAINING RE-
 14 QUIREMENT.—The amendment made by subsection
 15 (a)(1)(B), requiring a member of the Commission to pos-
 16 sess a background in legal training, shall apply beginning
 17 with the two vacancies referred to in subsection (b) and
 18 all subsequent appointments to the Commission.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Occupational Safety and*
 21 *Health Review Commission Efficiency Act of 2005”.*

22 **SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COM-**
 23 **MISSION.**

24 (a) INCREASE IN NUMBER OF MEMBERS AND CRI-
 25 TERIA FOR MEMBERSHIP.—Section 12 of the Occupational

1 *Safety and Health Act of 1970 (29 U.S.C. 661) is amend-*
 2 *ed—*

3 *(1) in the second sentence of subsection (a)—*

4 *(A) by striking “three members” and insert-*
 5 *ing “five members”; and*

6 *(B) by inserting “legal” before “training”;*

7 *(2) in the first sentence of subsection (b), by*
 8 *striking “except that” and all that follows through the*
 9 *period and inserting the following: “except that the*
 10 *President may extend the term of a member for no*
 11 *more than 365 consecutive days to allow a continu-*
 12 *ation in service at the pleasure of the President after*
 13 *the expiration of the term of that member until a suc-*
 14 *cessor nominated by the President has been confirmed*
 15 *to serve. Any vacancy caused by the death, resigna-*
 16 *tion, or removal of a member before the expiration of*
 17 *a term for which a member was appointed shall be*
 18 *filled only for the remainder of such term.”; and*

19 *(3) in subsection (f), by striking “two members”*
 20 *the first place it appears and inserting “three mem-*
 21 *bers”.*

22 *(b) NEW POSITIONS.—Of the two vacancies for mem-*
 23 *bership on the Occupational Safety and Health Review*
 24 *Commission created by subsection (a)(1)(A), one shall be*
 25 *appointed by the President for a term expiring on April*

1 27, 2008, and the other shall be appointed by the President
2 for a term expiring on April 27, 2010.

3 (c) *EFFECTIVE DATE.*—The amendment made by sub-
4 section (a)(1)(B) shall apply beginning with the 2 vacancies
5 referred to in subsection (b) and all subsequent appoint-
6 ments to the Commission.

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